

**UNITED STATES DISTRICT COURT FOR  
THE DISTRICT OF NEBRASKA**

<b>UNITED STATES OF AMERICA,</b>	)	<b>CASE NO. 8:08CR282</b>
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b>ORDER</b>
	)	
	)	
<b>ADRIAN ALMONTE,</b>	)	
	)	
<b>Defendant.</b>	)	

This matter is before the Court on the United States' Motion to Vacate a portion of this Court's Final Order of Forfeiture (Filing No.75). The Court reviews the record in this case and, being duly advised in the premises, finds as follows:

1. Since the entry of the Court's Final Order of Forfeiture, the United States was contacted by an attorney representing Mutual First Federal Credit Union. The Plaintiff represents Mutual First Federal Credit Union holds a valid security interest in the 2002 Chevy Monte Carlo mentioned in the Court's Final Order of Forfeiture. Consequently, the Monte Carlo should not have been forfeited to the United States free and clear of all liens.

2. The United States represents that, should this Court vacate that part of its Final Order of Forfeiture dealing with the Monte Carlo, the United States will notify Mutual First Federal Credit Union and ask it to file a Petition, pursuant to 21 U.S.C. § 853(n), asserting its interest in the Monte Carlo. The United States will then ask this Court to set a hearing on the Petition.

**IT IS ORDERED:**

A. The Plaintiff's Motion to Set Aside Final Order of Forfeiture (Filing No. 76) is hereby sustained.

B. The part of the Final Order of Forfeiture (Filing No. 75) which deals with the 2002 Chevy Monte Carlo is hereby vacated.

C. Any person or entity having an interest in said 2002 Monte Carlo shall file a Petition, detailing said interest pursuant to 21 U.S.C. § 853(n), on or before September 11, 2009. The United States shall give direct notice of this deadline to any person or entity it knows or believes has a valid interest in the 2002 Monte Carlo.

D. If any Petitions are filed, the United States shall notify the Court accordingly, asking they be called up for hearing and adjudication.

E. The remainder of this Court's Final Order of Forfeiture (Filing No. 75) remains in full force and effect.

DATED this 21<sup>st</sup> day of August, 2009.

BY THE COURT:

s/Laurie Smith Camp  
United States District Judge